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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,168	07/21/2003	Haruhiro Watanabe	MM0721US (#9032	6365
28672	7590	05/03/2006	EXAMINER	
D. PETER HOCHBERG CO. L.P.A.			LOWE, MICHAEL S	
1940 EAST 6TH STREET			ART UNIT	
CLEVELAND, OH 44114			PAPER NUMBER	

3652

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/624,168	Applicant(s) WATANABE, HARUHIRO	
	Examiner M. Scott Lowe	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 4,6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

The disclosure is objected to because of the following informalities: the drawings are not properly labeled in "Brief Description of the Drawings". For example paragraph [0029] should be "Figures 12(a)-12(d)" not "Fig. 12".

Appropriate correction is required.

Drawings

The drawing corrections filed 12/15/05 are acceptable.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what "a movable cover section located in a turntable manner in unison with the turntable body" means. It is not clear how "located" and "turntable manner" are related and how they are "in unison" with the turntable body. For sake of examination it is assumed applicant meant "a movable cover section mounted in a turntable manner on the turntable body and turning in unison with the turntable body".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brudi (US 3,757,977) in view of Derby (US 6,394,736).

Re claims 1-3, Brudi teaches an apparatus T and its inherent associated method of transferring articles P to and from an article handling section (not numbered) , using a self-propelled carriage T capable of traveling along a fixed path, the carriage comprising a movable body 50(70,80) moveable in a longitudinal direction with respect to a carriage body, a turnable body 30 capable of turning about a vertical axis with respect to the movable body, and an article supporting body 70,80 disposed over the turnable body, said method comprising the steps of:

halting the self-propelled carriage T alongside the article handling section;
performing initial turning of the turnable body 30 about the vertical axis so as to cause a front end of the article supporting body 70,80 to face the article handling section;

moving the movable body 50 whilst turning the turnable body 30 about the vertical axis, so that the front end of the article supporting body is positioned substantially right at a lateral side of the carriage body so as to face the article handling section;

performing a transfer of an article P between the article supporting body 70,80 and the article handling section; and
causing the article supporting body to perform a reverse operation returning the article supporting body over the turnable body.

Brudi is capable of moving the movable body and turntable body at the same time but does not discuss doing simultaneous movement. Derby teaches (column 6, lines 60-67 thru column 7, lines 1-2) simultaneous translation and rotation in order to simplify a process. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Brudi by Derby to have simultaneous translation and rotation in order to simplify and speed up the movement process.

Re claim 5, Brudi teaches the article supporting body 70,80 is a fork device extendable and retractable in forward and backward directions.

Allowable Subject Matter

Claims 4 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims (see how claim 4 was interpreted for sake of examination in the above 35 USC § 112 section).

Conclusion

Applicant's arguments filed 12/15/05 regarding claims 1-3 and 5 have been fully considered but they are not persuasive.

Applicant argued that Brudi does not teach "moving the movable body whilst turning the turnable body about the vertical axis" since turntable 30 cannot move forward and backward. However, the actually claimed limitation requires only that the movable body be moveable in a longitudinal direction with respect to the carriage body. Brudi teaches movable body 50,70,80 moveable in a longitudinal direction with respect to the carriage body. The turntable 30 is not required to also be moveable that fashion. Therefore the actual claim limitations are met.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the turntable need be moveable in a longitudinal direction with respect to the carriage body) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argued that Derby also does not teach the movement in a longitudinal direction with respect to the carriage body. However, Brudi not Derby was used to teach the claimed movement.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl



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